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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,627	09/29/2000	Michael Rumer	M-8570 US	9578
34036	7590	07/12/2005	EXAMINER	
SILICON VALLEY PATENT GROUP LLP 2350 MISSION COLLEGE BOULEVARD SUITE 360 SANTA CLARA, CA 95054			PERKINS, PAMELA E	
			ART UNIT	PAPER NUMBER
			2822	

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/675,627	RUMER ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Pamela E. Perkins	2822

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 28 June 2005.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 9-17, 26 and 28-30 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) 9-17 is/are allowed.

6)  Claim(s) 26 and 28-30 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_.  
\_\_\_\_\_

## **DETAILED ACTION**

This office action is in response to the after-final amendment filed on 28 June 2005. Claims 9-17, 26 and 28-30 are pending; claims 1-8, 18-25 and 27 have been cancelled.

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 26 and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ngan et al. (5,943,600) in view of Freeman et al. (5,466,522) and Yamadai (6,083,830).

Ngan et al. disclose a method of forming a titanium layer on a substrate where the substrate is placed in a deposition chamber comprising a source of titanium (col. 3, lines 16-34); and depositing a titanium layer onto the substrate by physical vapor deposition of the source of titanium under conditions wherein the atmosphere in the deposition chamber comprises hydrogen, wherein after the hydrogen is released it reacts with substrate (col. 3, lines 35-60); depositing a titanium nitride layer (34) on the titanium layer (32); and depositing an aluminum layer (36) on the titanium nitride layer

(34) (col. 4, lines 42-54; col. 5, lines 42-49). Ngan et al. do not disclose wherein the atmosphere in the deposition chamber comprises hydrogen in a concentration of at least 0.1 molar percent, the titanium layer having a <002> orientation, the titanium nitride layer having a <111> orientation and the aluminum layer having a <111> orientation.

Freeman et al. a method of forming a layer over a substrate where a substrate is placed in a sputter chamber containing a gas mixture of argon (inert gas) and hydrogen in the atmosphere and sputter depositing a layer over the substrate. Freeman et al. further disclose the gas mixture comprising at least 4 mole percent hydrogen (col. 4, lines 7-57).

Since Ngan et al. and Freeman et al. are both from the same field of endeavor, a method of forming a titanium layer on a substrate, the purpose disclosed by Freeman et al. would have been recognized in the pertinent art of Ngan et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ngan et al. by the gas mixture during sputter deposition comprising at least 4 mole percent hydrogen as taught by Freeman et al. The higher the concentration of hydrogen in the atmosphere during sputter deposition there is an increase in the coercivity of the film formed on the substrate, meaning the polarity of the material changes only under the influence of a relatively large magnetic field (col. 7, lines 7-57).

Yamadai discloses a method of forming a layer on a substrate where a titanium layer (3), with a <002> orientation, is sputter deposited on a substrate (1), then a titanium nitride layer (4), with a preferred <111> orientation, is formed on the titanium

layer (3) and an aluminum layer (5), with a <111> orientation, is formed on the titanium nitride layer (4) (col. 3, line 17 thru col. 5, line 41; col. 5, lines 1-33).

Since Ngan et al. and Yamadai are both from the same field of endeavor, a method of forming a titanium layer on a substrate, the purpose disclosed by Yamadai would have been recognized in the pertinent art of Ngan et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ngan et al. by the titanium layer having a <002> orientation, the titanium nitride layer having a <111> orientation and the aluminum layer having a <111> orientation as taught by Yamadai. A titanium layer with a <002> orientation prevents the formation of side-hole, openings in the sidewalls (col. 2, lines 21-55).

Referring to claim 29, Ngan et al. disclose the claimed invention except for absorbing the hydrogen to a depth of about 50 Angstroms into the titanium target. It would have been obvious to one having ordinary skill in the art at the time invention was made to absorb the hydrogen to a depth of about 50 Angstroms into the titanium target, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233 (CCPA 1955).

#### ***Allowable Subject Matter***

Claims 9 and 10 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: prior art does not anticipate, teach, or suggest after placing the substrate in the

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deposition chamber introducing a quantity of hydrogen into the deposition chamber without providing power to the target.

Claims 11-17 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: prior art does not anticipate, teach, or suggest a method of forming a titanium layer on a substrate where the substrate is placed in a sputtering chamber comprising a titanium target, flowing a first gas comprising hydrogen into the sputtering chamber through a first gas injector, terminating the flow of the first gas, after the flow of the first gas has been terminated, sputter depositing the titanium layer onto the substrate by applying power to the target and by providing a second gas in the sputtering chamber through a second gas inject, wherein the hydrogen is activated and whereby the deposited titanium layer has a preferred crystal orientation.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pamela E. Perkins whose telephone number is (571) 272-1840. The examiner can normally be reached on Monday thru Friday, 9:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amir Zarabian can be reached on (571) 272-1852. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PEP



MR ZARABIAN  
EXAMINER  
TECHNOLOGY CENTER 2800